

REMARKS

Reconsideration of the present application as amended is respectfully requested. Claims 1, 12-13, 17-18, and 25-28 have been amended. Support for the amendments to claims 1, 12-13, 17-18, and 25-28 can be found at at least page 10, line 31 to page 12, line 4 of the application as originally filed. Claims 1-28 are currently pending.

Claim 11 stands objected to under 37 CFR 1.75(c) as being in improper form because of "a multiple dependent claim 10." Applicant respectfully disagrees that claim 11 is in improper form. Although claim 11 depends upon multiple dependent claim 10, claim 11 is not itself a multiple dependent claim and is therefore not improper. Applicant respectfully requests that the objection to dependent claim 11 be withdrawn.

Claims 1-3, 12-15, 18-19, 21-22, 25-28 have been rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,366,785 to Saarela et al. ("Saarela"). Independent claim 1 has been amended to include the features of "audibly playing back audio signals in said first communications device" and "audibly play back said audio signals in the at least one other communications device, wherein the audible playing back of said audio signals in the at least one other communications device occurs at least in part simultaneously with the audible play back of the audio signals in said first communications device." Applicant respectfully submits that Saarela fails to teach or suggest at least these features of independent claim 1.

Regarding independent claim 1, the Office Action refers to column 1, lines 41-54 of Saarela as teaching "wherein the playing back of the audio signals in other communication device occurs simultaneously (directly) with the playing back of the audio signals in the first communication device. Column 1, lines 41-54 of Saarela describes initiating a telephone call from a first to a second telephone device, and in the event that a voice channel cannot be opened between the first and second telephone devices, recording a voice message at the first telephone device. Saarela further describes subsequently transmitting the recorded message directly from the first to the second telephone device without necessarily requiring further user input. Column 1, lines 47-54 of Saarela still further describes that the term "directly" indicates that while the recorded message is transmitted from the first to the second telephone device via a telephone network, the message is not stored in a voice mailbox assigned to the second telephone device.

Applicant respectfully submits that Saarela fails to teach or suggest audibly playing back audio signals in a first communications device, and at least in part simultaneously audibly playing the same audio signals in at least one other communications device as found in independent claim 1. Applicant respectfully submits that independent claim 1 distinguishes over Saarela and requests that the 35 U.S.C. 102(e) rejection of independent claim 1 be withdrawn.

The Office Action indicates that independent claims 12 and 13 have been rejected for the same reason as set forth with regard to independent claim 1. Independent claim 12 has been amended to include the features of a communication system adapted to "audibly play back audio signals in said first communications device" and "audibly play back said audio signals in the at least one other communications device, wherein the audibly play back of said audio signals in the at least one other communications device occurs at least in part simultaneously with the audible play back of the audio signals in said first communications device." Independent claim 13 has been amended to include the features of " means for audibly playing back audio signals" and "means for initiating transmission of the same audio signals to the at least one other communications device, such that said audio signals can be audibly played back in the at least one other communications device, wherein the audible playing back of said audio signals in the at least one other communications device occurs at least in part simultaneously with audible playing back of said audio signals by said first communications device." For similar reasons as those discussed with respect to independent claim 1, Applicant respectfully submits that independent claims 12 and 13 distinguish over Saarela and requests that the 35 U.S.C. 102(e) rejections of independent claims 12 and 13 be withdrawn.

In the Office Action, independent claims 18 has been rejected for similar reasons as those set forth with respect to independent claim 1. Independent claim 18 has been amended to include the features of " means for audibly playing back audio signals through the first communications device" and "means for initiating transmission of the same audio signals to the at least one other communications device, such that said audio signals can be audibly played back in the at least one other communications device, wherein the audibly playing back of said audio signals in the at least one other communications device occurs at least in part simultaneously with audibly playing back of the audio signals in said first communications device." For similar reasons as those discussed with respect to independent claim 1, Applicant

respectfully submits that independent claim 18 distinguish over Saarela and requests that the 35 U.S.C. 102(e) rejection of independent claim 18 be withdrawn.

Claims 2-3, 14-15, 19, 21-22, and 25-28 are dependent upon and include the features of their respective independent claims 1, 12, 13, and 18. For at least the reasons as discussed with respect to independent claims 1, 12, 13, and 18, Applicant respectfully submits that claims 2-3, 14-15, 19, 21-22, and 25-28 also distinguish over Saarela and requests that the 35 U.S.C. 102(e) rejection of claims 2-3, 14-15, 19, 21-22, and 25-28 be withdrawn.

Claims 4-9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Saarela in view of U.S. Patent No. 6,167,251 to Segal et al ("Segal"). Claims 4-9 are dependent upon and include the features of independent claim 1. As discussed with respect to independent claim 1, Saarela fails to teach or suggest the aforementioned distinguishing features of independent claim 1. Applicant respectfully submits that Segal also fails to teach or suggest these distinguishing features. Applicant respectfully submits that claims 4-9 distinguish over Saarela in view of Segal and requests that the 35 U.S.C. 103(a) rejections of claims 4-9 be withdrawn.

Claims 16-17, 20, and 23-24 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Saarela in view of U.S. Patent No. 6,446,17 to Schuster et al. ("Schuster"). Claims 16-17, 20, and 23-24 are dependent upon and include the features of independent claim 13. As discussed with respect to independent claim 13, Saarela fails to teach or suggest the aforementioned distinguishing features of independent claim 13. Applicant respectfully submits that Segal also fails to teach or suggest these distinguishing features. Applicant respectfully submits that claims 16-17, 20, and 23-24 distinguish over Saarela in view of Schuster and requests that the 35 U.S.C. 103(a) rejections of claims 16-17, 20, and 23-24 be withdrawn.

Claim 10 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Saarela in view of Segal as applied to claim 9, and further in view of U.S. Patent No. 6,192,340 to Abecassis et al ("Abecassis"). Claim 10 is dependent upon and includes the features of dependent claim 9, which is dependent upon and includes the features of independent claim 1. As discussed with respect to claims 4-9, Saarela in view of Segal fails to teach or suggest the aforementioned distinguishing features of independent claim 1. Applicant respectfully submits that Abecassis also fails to teach or suggest these distinguishing features. Applicant respectfully

submits that claim 10 distinguishes over Saarela in view of Segal and further in view of Abecassis and requests that the 35 U.S.C. 103(a) rejection of claim 10 be withdrawn.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Dated: March 14, 2005

Respectfully submitted,

By Michael W. Maddox

Michael W. Maddox

Registration No.: 47,764

JENKENS & GILCHRIST, A PROFESSIONAL
CORPORATION

1445 Ross Avenue, Suite 3200

Dallas, Texas 75202

(214) 855-4500

Attorneys For Applicant